REMARKS

This is in response to the Office Action dated June 15, 2006, in which claims 3, 4, 9-11, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drean (FR 2757935) in view of Mason et al. (U.S. 4,547,381) and Kislyuk (U.S. 5,442,938); claims 5, 14, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drean, Mason et al., and Kislyuk and further in view of Hamilton et al. (U.S. 6,607,696); claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Drean, Mason et al., and Kislyuk and further in view of Locke (U.S. 4,123,130); and claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Drean, Mason et al., Kislyuk and Hamilton et al. and further in view of Twardowski et al. (U.S. 4,683,039). The Examiner also responded to Applicant's arguments with respect to claims 3-5, 8-11, 13-15, 21, and 26. With this Amendment, claim 21 has been amended. In reliance on the following remarks, the present application with pending claims 3-5, 8-11, 13-15, 21 and 26 is in condition for allowance, and reconsideration and notice to that effect are respectfully requested.

In the Office Action, independent claim 21 and dependent claims 3, 4, and 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drean in view of Mason et al. and Kislyuk. To establish *prima facie* obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. MPEP 2143.01; *In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990).

The Office Action asserts that Drean teaches a unit having an interior and an exterior and an access port located in front of the unit which retains a perforated container holding a deodorizing composition. The Office Action asserts that the invention of Drean further includes an indicator on the front of the container for indicating when the deodorizing composition needs replacement. The Office Action also asserts that Drean fails to teach a deodorizing composition that generates an antimicrobially active gas or an indicator device providing a signal in response to a

predetermined time interval. The Office Action supplies these deficiencies by turning to the disclosures of Mason et al. and Kislyuk, respectively.

In particular, the Office Actions turns to Kislyuk as teaching a time controlled end-of-life indicator. However, Kislyuk does not show, teach, or suggest an indicator device providing an indicator signal in response to a predetermined time interval between openings of an access port for a unit. Rather, Kislyuk discloses a counter device for monitoring the operational life of a filter for a dry cleaning machine. (Col. 5, lines 1-3). "When the counter determines that the useful life of the filter is over, CPU 75 automatically turns the dry cleaning machine off and turns replacement filter indicator light 20 on." (Col. 3, lines 3-6). Kislyuk makes no mention of how the counter device operates, or on what parameter the counting is based. The indicator light is simply turned on and the dry cleaning machine is turned off when the counter sends a signal to the CPU that the useful life of the filter is over. (Col. 5, lines 3-9).

Kislyuk does not show, suggest, or teach that indicator 20 is activated in response to a predetermined time interval between openings of an access port. By contrast, claim 21 requires an indicator device for providing an indicator signal in response to a predetermined time interval between openings of an access port. As stated in the specification, "The indicator may provide some sort of signal in response to a predetermined time interval between openings of the access port, for instance. The device may be activated upon each placement or replacement of the container, and provides an indicator signal on the exterior of the unit when the container needs replacement. This may be in response to a predetermined time interval between openings of the access port." (Page 4, lines 26-28). Thus, the indicator of claim 21 is time-based in relation to the opening of an access port. There is no suggestion or motivation in Drean, Mason et al., and Kislyuk, or in knowledge generally available to one of ordinary skill in the art to combine a counter device for a filter of a dry cleaning machine with a refrigeration unit for an indicator signal as recited in claim 21 wherein the indicator device provides an indicator signal in response to a predetermined time interval between openings of an access port of a unit. Thus, the combination of Drean, Mason et al., and Kislyuk is not a proper one.

Drean and Kislyuk do not individually or in combination show, teach, or suggest a unit having an indicator device for providing an indicator signal in response to a predetermined time interval between openings of an access port of the unit. Thus, the rejection to independent claim 21 should be withdrawn and independent claim 21 allowed. In that independent claim 21 is in condition for allowance, the rejections to claims 3, 4, and 9-11, which depend therefrom, should be withdrawn and claims 3, 4, and 9-11 allowed.

In the Office Action, claims 5, 14, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Drean, Mason et al., and Kislyuk and further in view of Hamilton et al. In that independent claim 21 is in condition for allowance, the rejections of claim 5, 14, and 26, which depend therefrom, should be withdrawn and claims 5, 14, and 26 allowed.

In the Office Action, claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Drean, Mason et al., and Kislyuk and further in view of Locke. In that independent claim 21 is in condition for allowance, the rejection of claim 11, which depends therefrom, should be withdrawn and claim 15 allowed.

In the Office Action, claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Drean, Kislyuk, and Hamilton et al. and further in view of Twardowski. In that independent claim 21 is in condition for allowance, the rejection of claim 13, which depends therefrom, should be withdrawn and claim 13 allowed.

In view of the foregoing, pending claims 3-5, 8-11, 13-15, 21, and 26 are in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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